

### **Remarks**

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

#### ***Claim Rejections under 35 USC § 102 and 103***

Claims 1, 3, and 5-7 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,468,556 to Fuss et al.

Claims 6 and 7 stand rejected, in the alternative, under 35 USC § 103(a) as being unpatentable over Fuss.

Claims 4, 8, 9, and 23 stand rejected under 35 USC § 103(a) as being unpatentable over Fuss in view of U.S. Patent No. 6,251,054 to Cruz et al. or U.S. Patent No. 5,643,647 to Wischusen, III.

In its decision mailed February 12, 2007, the Board of Patent Appeals and Interferences entered a new ground of rejection as to the pending claims, and particularly claim 1. Claim 1 has now been amended to specify that the dunnage conversion machine provides a strip of dunnage having at least two layers that are fixed in an overlapping relationship. It is respectfully submitted that Fuss does not provide a strip of dunnage having at least two layers that are fixed in an overlapping relationship until process shown in FIG. 18.

In particular, Fuss discloses a system and method for making shaped loose-fill packaging particles 20 from a sheet material 60. (See Fuss, column 3, lines 7-9.) Flat planar bands or strips 96 of the sheet material are cut (FIGS. 12, 15 and 16, e.g.) and formed into convoluted non-planar-shape particles 20 (FIGS. 18-20, e.g.). (See Fuss, column 7, lines 15-21.) In the forming process, end regions 34 and 36 of each strip 96 are joined together with an adhesive 39 or by stapling to complete the non-planar-shape loose-fill packaging particle 20. (See Fuss, column 2, lines 34-41.)

While admittedly Fuss discloses a converter that is operable to convert a sheet stock material 60 into a dunnage product 20, it is respectfully submitted that Fuss does not include the claimed positioning device or the claimed stapler. Unlike the strips of dunnage produced by the claimed converter, Fuss does not form a relatively less dense strip of dunnage having at least two layers that are fixed in an overlapping relationship until the ends of the strips 96 are adhesively joined together to form the convoluted non-planar shape 20. Once the convoluted non-planar shape 20 is formed, Fuss does not disclose or suggest a positioning device or stapler that further acts upon the

convoluted non-planar shapes 20. Consequently, Fuss neither anticipates claim 1 nor renders claim 1 unpatentable.

Withdrawal of the rejection in view of the amended claim language is respectfully requested.

The same is true for claims 4, 8, 9, and 23. Fuss does not disclose or suggest either a positioning device or a stapler that acts upon the convoluted non-planar shape 20 disclosed in Fuss. And neither Cruz nor Wischusen teach or suggest either a positioning device for a stapler that operate on a dunnage strip provided by a converter that has at least two layers that are fixed in an overlapping relationship.

Cruz discloses a stapler for binding printed sheets, such as a pamphlet. In particular, Cruz discloses a mechanism for a printer that has a curved path. Operations such as stapling or other binding are performed either within the curved path or during withdrawal of the document from the curved path. Cruz, however, does not disclose a dunnage converter or a positioning device that positions in juxtaposition portions of a strip of dunnage produced by the converter.

Wischusen discloses a dunnage product that appears to be very similar to that disclosed in Fuss. Consequently, Wischusen does not appear to add anything to the rejection.

It is respectfully submitted that neither Cruz nor Wischusen provide any teaching or motivation for further acting on Fuss's convoluted non-planar shape particle 20 to roll it into a coil and then staple juxtaposed positions to hold the coil together. Accordingly, withdrawal of the rejection is respectfully requested.

***Examiner Interview Request***

If the foregoing amendments and remarks do not place the application in condition for allowance, the undersigned respectfully requests a telephone interview at the Examiner's earliest convenience.

**Conclusion**

Entry of the amendments, withdrawal of the rejections, and allowance of the claims is earnestly solicited.

Respectfully submitted,

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Date: April 12, 2007

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